



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/548,235 04/12/00 LEVERGOOD

T 1984.1001-00

EXAMINER

TM02/0213

JAMES M SMITH
HAMILTON BROOK SMITH & REYNOLDS P.C.
TWO MILITIA DRIVE
LEXINGTON MA 02421-4799

WINDER, P

ART UNIT

PAPER NUMBER

2155

DATE MAILED:

02/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/548,235

Applicant(s)

Levergood et al.

Examiner

Patrice L. Winder

Group Art Unit

2155



☒ Responsive to communication(s) filed on Apr 12, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-5 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-5 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2155

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant has not provided a detailed disclosure of “charging for advertising based on link traversals to the page”. The examiner is aware of page 14, line 24 - page 15, line 6 of the disclosure. If there is further detail to applicant’s disclosure please indicate the corresponding areas of the disclosure.

3. Claims 4 and 5 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant has not provided a detailed disclosure of “measuring the number of sales or transactions resulting from link traversals”. The examiner is aware of page 14, line 24 - page 15, line 6 of the disclosure. If there is further detail to applicant’s disclosure please indicate the corresponding areas of the disclosure.

Art Unit: 2155

4. It is generally understood that the state of the art at the time of the invention as understood by the inventor can be determined by the degree of detail in the disclosure and that which is left for one of ordinary skill in the art to perform is presumed to be within the skill in the art to perform. As applicant has supplied no detail enabled of this alleged nonobvious process by which to “charge for advertising based on link traversals to the page” and “measure the number of sales or transactions resulting from link traversals”. Therefore, it is presumed to be within the skill of the art (*In re Fox 176 USPQ 340*).

Specification

5. The abstract of the disclosure is objected to because the substance of the abstract does not provide a concise statement of the claimed invention. Correction is required. See MPEP § 608.01(b).

Art Unit: 2155

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

7. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Dedrick, U.S. Patent No. 5,710,884 (hereafter referred to as Dedrick).

8. Regarding claim 1, Dedrick taught a method of charging for advertising on the Web (crediting consumers for viewing advertising), comprising:

determining link traversals leading to a page (determining the paths, i.e. link traversals, taken, col. 15, lines 6-9); and

charging for advertising based on link traversals to the page (crediting the consumer for viewing information, col. 11, lines 36-41, col. 12, lines 2-6).

9. Regarding dependent claim 2, Dedrick taught charging for advertising is based on the number of link traversals from an advertising page to a product page (adding a credit for each advertiser designated information viewed, i.e. links traversed, col. 11, lines 36-45).

10. Regarding dependent claim 3, Dedrick taught wherein charging for advertising is based on the number of sales resulting from a path including an advertising page (viewing transactions =

Art Unit: 2155

sales, number of transactions of viewing information associated with an advertisers page, col. 9, lines 58-65, col. 11, lines 36-41, col. 12, lines 2-6).

11. Regarding claim 4, Dedrick taught a method of evaluating the effectiveness of advertising on the Web (crediting consumers for viewing advertising), comprising:

determining link traversals leading from an advertisement to a page (determining the paths, i.e. link traversals, taken, col. 15, lines 6-9); and

measuring the number of sales resulting from link traversals from the advertisement to the page (viewing transactions = sales, number of transactions of viewing information associated with an advertisers page, col. 9, lines 58-65, col. 11, lines 36-41, col. 12, lines 2-6).

12. Regarding claim 5, Dedrick taught a method of evaluating the effectiveness of advertising on the Web (crediting consumers for viewing advertising), comprising:

determining link traversals leading from an advertisement to a page (determining the paths, i.e. link traversals, taken, col. 15, lines 6-9); and

measuring the number of transactions resulting from link traversals from the advertisement to the page (number of transactions of viewing information associated with an advertisers page, col. 9, lines 58-65, col. 11, lines 36-41, col. 12, lines 2-6).

Art Unit: 2155

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

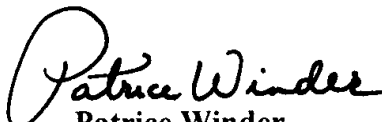
- a. James E. Pitkow et al., WebViz: A Tool for World-Wide-Web Access Log Analysis: taught a useful WWW database utility that provides information about document accesses and paths taken by users;
- b. Jong-Gyun Lim, Using Coollists to Index HTML Documents in the Web: taught a Coollist which is equivalent to a Hotlist in Mosaic except that it automatically records all the visited HTML document titles by default;
- c. Jeff Sedayao, "Mosaic Will Kill My Network!" - Studying Network Traffic Patterns of Mosaic use: taught an examination of packet traces, analysis of log files and simulation of an HTTP proxy server to construct a network profile of the 'average' Mosaic user;
- d. Lara D. Catledge et al., Characterizing Browsing Strategies in the World-Wide Web: taught actual user behavior as determined from client-side log file analysis and supplemented with user navigation strategies.

Art Unit: 2155

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is (703) 305-3938. The examiner can normally be reached on Monday-Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh, can be reached on (703) 305-9648. The fax phone number for this Group is (703) 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


Patrice Winder
Patent Examiner
Art Unit 2155